



T.F.W

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Applicant :ROBERT MILLS et al.
Serial No. :10/669,416
Filed :September 25, 2003
Title :MAHONIA AQUIFOLIUM EXTRACT, EXTRACTION
PROCESS AND PHARMACEUTICAL COMPOSITION
CONTAINING THE SAME
Art Unit :1654

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
United States of America

Dear Sir:

This letter is filed in response to the Office Action dated November 11, 2004. The Examiner suggests that the claims are directed to three separate inventions. Applicant hereby elects claims 1, 2 and 3 for further prosecution in the present application.

Applicant reserves the right to file a divisional application with respect to the remaining claims.

Applicant also traverses the Examiner's suggestion that claim 10 is directed to a separate invention from the subject matter of claims 1, 2 and 3. Claim 10 is directed to a method of using the composition of claim 1 and as such Applicant argues that this claim should be maintained in the same application as claims 1, 2 and 3. Favourable reconsideration in this regard is respectfully requested.

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Our File No. 46527
November 30, 2004

Respectfully submitted,

Kimberley Lachaine